

CERTIFIED FOR PARTIAL PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ENRIQUE ORTEGA,

Defendant and Appellant.

E054882

(Super.Ct.No. RIF105398)

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT

It is ordered that the opinion filed herein on August 21, 2013, be modified as follows. The third full sentence on page 16 is modified to add the word “not” before the word “allege” so the sentence reads as follows:

The court held that the amended pleadings did not allege the “same conduct” as the original pleading and therefore did not relate back.

Except for this modification, the opinion remains unchanged. This modification does not effect a change in judgment.

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RICHLI _____ J.

We concur:

HOLLENHORST _____
Acting P. J.

McKINSTER _____
J.